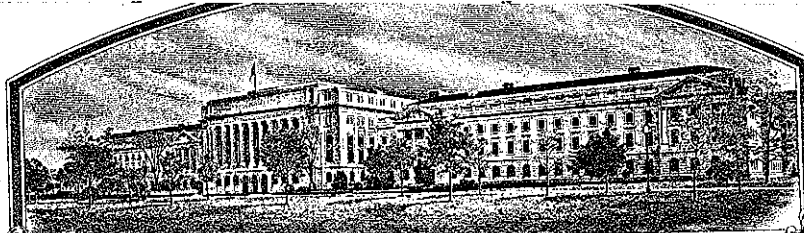


No.

8000039



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Dessert Seed Co., Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXHIBIT THE VARIETY TO OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (7 U.S.C. 2321 ET SEQ.)

ONION

'Red Sunset'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 31st day of July in the year of our Lord one thousand nine hundred and eighty.

Attest.

Eugene H. Keane
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

W. B. Bly
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

INSTRUCTIONS: See Reverse.

1a. TEMPORARY DESIGNATION OF VARIETY RSS-750		1b. VARIETY NAME RED SUNSET		FOR OFFICIAL USE ONLY PV NUMBER 8000039	
2. KIND NAME ONION		3. GENUS AND SPECIES NAME ALLIUM CEPA		FILING DATE 1-2-80	TIME 2:00 P.M.
4. FAMILY NAME (BOTANICAL) LILIACEAE		5. DATE OF DETERMINATION FALL 1975		FEE RECEIVED \$ 500.00 \$ 250.00	DATE 1-2-80 7-7-80
6. NAME OF APPLICANT(S) DESSERT SEED CO., INC		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 181 El Centro, CA. 92244		8. TELEPHONE AREA CODE AND NUMBER 714-352-2081	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) DESSERT SEED CO., INC.			10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION CALIFORNIA		11. DATE OF INCORPORATION 1955
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: A.M. DESSERT, DESSERT SEED COMPANY, INC. P.O. Box 181 El Centro, CA. 92244					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☒ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?	14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED?		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)			
15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)			

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

12-27-79
(DATE)

Am Dessert
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

INSTRUCTIONS

GENERAL: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

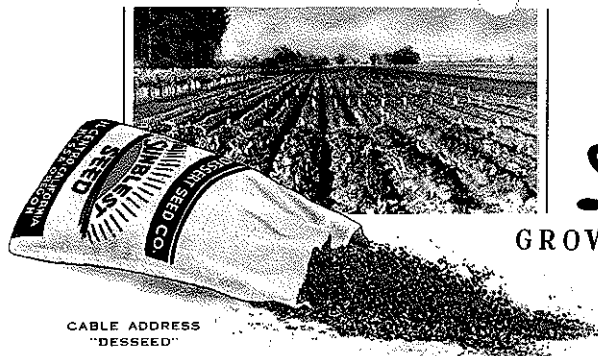
- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

RSS-750 Breeding History

Year	
1968	Crosses made between male fertile Southport Red Globe and male fertile Yellow Sweet Spanish Tucker pink root resistant.
1969	F ₁ bulbs grown from crosses made 1968.
1970	Single plant selfing from selected 1969 Bulbs.
1971	Bulbs grown from 1970 single plant selfing. Selected for Sweet Spanish type, large size and deep red internal and external color.
1972	Single plant selfing from selected 1971 bulbs.
1973	Bulbs grown from 1972 single plant selfing. Selected for Sweet Spanish type, large size and deep red internal and external color.
1974	Single plant selfing from selected 1973 bulbs.
1975	Bulbs grown from 1974 single plant selfing. Line RSS-750 identified and selected for Sweet Spanish type, large size, single centers and deep red internal and external color.
1976	RSS-750 was increased in a 6' X 12' seed cage increase from 1975 selected bulbs.
1977	A large population of bulbs grown from 1976 seed cage increase. The bulbs were rigorously selected for Sweet Spanish type, large size, single centers and deep red internal and external color.
1978	RSS-750 was again increased in a 12'X 24' seed cage increase from the 1977 selected bulbs.
1979	Bulbs were grown from the seed obtained from the 1978 seed cage increase. The bulbs have been selected and placed in storage for a 1980 stock seed increase (3 acres).

There are no identifiable genetic variants.

*See letter from applicant with statement of
stability and uniformity.*
CRB



Dessert Seed Company, Inc.
PAT. NO. 427936

GROWERS OF SEED

MAIN OFFICE

P. O. BOX 181, EL CENTRO, CALIFORNIA
TELEPHONE 352-2081

Please reply to:
P.O. Box 9008
Brooks, Or 97305
May 21, 1980

Addendum to Exhibit A
CRB
5/28/80

Dr. C. Rose Broome
Examiner, Plant Variety Protection Office
USDA-AMS
Livestock, Poultry, Grain and Seed Division
National Agricultural Library Building

Subject to the limitation of liability herein set forth, we warrant that the seeds sold are as described on the container, within tolerances recognized in the vegetable seed production industry. We do not make any further warranty express or implied. In no event shall we be liable for any loss due to the failure, impairment or quality thereof or variety variance therein, whether on warranty or for negligence or otherwise in any amount exceeding the purchase price of seeds sold, whether such loss results from breach of the foregoing warranty, from breach of any other provision of the buyer's contract for the purchase of said seeds or bulbs, or from any other cause. The buyer's exclusive remedy in all cases shall be recovery of not to exceed the amount of such purchase price.

Dear Dr. Broome:

Subject: Onion Application No. 8000039, RED SUNSET

It is our general procedure to number a breeding line when it stops segregating and becomes stable for the major selection factors. However, we never stop applying strong selection pressure throughout the life of an inbred or variety.

RED SUNSET was numbered in 1975 and at that point was stable for most of our selection factors. However, I feel 1977 is a better date because at that point we obtain the percentage of single centers to meet the selection standards.

"RED SUNSET is a stable uniform variety of new red onion. Genetic stability was obtained in 1977 and variety has not segregated."

Sincerely,

Ronald L. Engle
Head of Research

RE/pr
cc: A.M. Dessert

SEEDS

ASPARAGUS, BEET, BROCCOLI, CABBAGE,
CANTALOUPE, CARROT, CAULIFLOWER,
CELERY, CHICORY, COLLARDS, CUCUM-
BER, ENDIVE, HERBS, KOHLRABI, LET-
TUCE, LEEK, MELON, MUSTARD, OKRA,
ONION, PARSLEY, RADISH, SQUASH,
TOMATO, TURNIP, AND FLOWER SEEDS,
ALFALFA, BERSEEM CLOVER, BERMUDA GRASS.

MEMBER

AMERICAN SEED TRADE ASSN.
CANADIAN SEEDMEN'S ASSN.
SOUTHERN SEEDMEN'S ASSN.
CALIFORNIA SEEDMEN'S ASSN.
PACIFIC STATES SEEDMEN'S ASSN.

Received 3/18/80 -

Supersedes original 13B *CRB*

- 13 B Red Onion "Red Sunset" is most similar to Southport Red Globe. "Red Sunset" differs from Southport Red Globe in size (see attached 1980 data). It has more single centers and is less pugent.
- 13 B Blanco Duro is a most similar to Southport White Globe. Blanco Duro is a unique new White Onion. It is larger. It is 7-10 day's earlier than Southport White Globe. Southport White Globe will produce a green color under the scales, Blanco Duro does not. Blanco Duro is equal to or has a somewhat better storage life than Southport White Globe. Blanco Duro has been selected for single centers.
- 13 D Brooks PRR is a pink root resistant White Lisbon type green bunching Onion. This type Onion can be grown widely for green bunching Onions produced from seed. It is a long-day type and can be grown later than most varieties without getting bulb formation. The foliage is upright, dark green and maintains a fresh look for a considerable time after harvest. The flesh is white, crisp and mild. Pink root resistance and resistance to bulbing have been incorporated to allow greater adapability.

1980 STORAGE DATA (2-20-80)

50 Bulb Sample

RED SUNSET

SOUTHPORT RED GLOBE

	<u>Rep. 1</u>	<u>Rep. 2</u>	<u>Mean</u>	<u>Rep. 1</u>	<u>Rep. 2</u>	<u>Mean</u>
--	---------------	---------------	-------------	---------------	---------------	-------------

Wt. In Lbs.

25	28	26.5	16	21	18.5
* LSD(.10)=6.31					

Ave. Size Diameter in Inches

3.1	3.1	3.1	2.4	2.5	2.45
* LSD(.10)=.35					

% Single Centers

80	86	83	37	45	41
* LSD(.02)=31.82					

* LSD probability levels are based on significant ($\alpha \leq .01$) F tests for entries.

OBJECTIVE DESCRIPTION OF VARIETY

ONIONS (ALLIUM CEPA L.)

REFERENCES: See Reverse.

NAME OF APPLICANT(S) DESSERT SEED COMPANY, INC.		FOR OFFICIAL USE ONLY	
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 181 El Centro, CA. 92244		PVPO NUMBER 8000039	VARIETY NAME OR TEMPORARY DESIGNATION

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g., 0 8 9 or 0 9) when number is either 99 or less or 9 or less.

1. TYPE:

1 = BULB 2 = BUNCHING 2 = SHORT DAY 2 = LONG DAY

3 5 TO 5 0 DEGREES MEAN LATITUDE - ADAPTATION RANGE

2 Maturity (days): 1 = EARLY (75 - 90) 2 = MEDIUM (100 - 120) 3 = LATE (> 130)

2. PLANT

6 4 CM. HEIGHT ABOVE SOIL LINE TO HIGHEST POINT OF ANY FOLIAGE

0 8 CM. TALLER THAN SOUTHPORT RED (Comparable variety)

0 0 CM. SHORTER THAN SOUTHPORT RED (Comparable variety)
GLOBE

1 1 = ERECT (Spartan Gem) 2 = INTERMEDIATE 3 = FLOPPY (Epoch)

3. LEAF:

5 0 CM. LONG (before maturity yellowing begins)

1 2 MM. WIDE 0 9 MM. THICK AT MIDLENGTH OF LONGEST LEAF

2 Color: 1 = LIGHT GREEN (Early Grano) 2 = MEDIUM GREEN (Yellow Bermuda)
3 = BLUE GREEN (Australian Brown U.C. No. 1)

3 Bloom: 1 = NONE - glossy 2 = LIGHT (Early Grano) 3 = MEDIUM (Crystal Wax) 4 = HEAVY (California Early Red)

4. SHEATH:

7 0 MM. COLUMN LENGTH (Height from soil line to base of lowest succulent leaf) 2 4 MM. DIAMETER AT MIDLENGTH

7 9 Scape: CM. FROM SOIL LINE TO BASE OF INFLORESCENCE

3 1 Scape: MM. DIAMETER AT MIDLENGTH

5. INFLORESCENCE:

Umbel (for seed production)

6 MAXIMUM NO. PER PLANT 1 MINIMUM NO. PER PLANT 3 AVERAGE NO. PER PLANT

8 5 MM. DIAMETER 1 1. COMPACT 2 = LOOSE/OPEN 3 = SHAGGY

2 Spathe: 1 = LONG BEAK 2 = SHORT BEAK 2 Flower Color: 1 = WHITE 2 = GREEN 3 = BRIGHT GREEN

5 MM. ANTHR LENGTH

3 Anther Color: 1 = LIGHT GREEN 2 = DARK GREEN 3 = YELLOW 4 = PALE YELLOW 5 = CHOCOLATE 6 = RED

2 Pollen Viability: 1 = STERILE 2 = FERTILE 2 Sepal Shape: 1 = LONG POINTED 2 = ROUND SHORT

6. BULB:

AVERAGE NUMBER BULBS PER METER

Size (Harvest): 1 = SMALL (Red Creole) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = LARGE (Early Grano)

Shape (see attached chart): 1 = GLOBE (White Sweet Spanish) 2 = DEEP GLOBE (Abundance)
3 = FLT. GLOBE (Australian Brn. U.C. No. 1) 4 = TOP SHAPE (Texas Grano 502)
5 = DEEP FLAT (Granex) 6 = THICK FLAT (Ebenezer)
7 = FLAT (Crystal Wax) 8 = TORPEDO-LONG OVAL (Italian Red)

CM. HEIGHT \div CM. DIAMETER = SHAPE INDEX

1 = INVAGINATE 2 = EVAGINATE

Color (Skin): 01 = BROWN (Australian Brn. U.C. No. 1) 02 = PURPLISH RED (Italian Red)
03 = BUFF RED (Red Creole) 04 = PINKISH YELLOW (Ebenezer)
05 = BROWNISH YELLOW (Mt. Danvers) 06 = DEEP YELLOW (Brigham Yellow Globe)
07 = MEDIUM YELLOW (Early Yellow Globe) 08 = PALE YELLOW (Yellow Bermuda)
09 = WHITE (White Sweet Spanish) 10 = OTHER (Specify) Deep Red

Color (Interior): 1 = PINK 2 = RED 3 = PURPLISH-RED 4 = WHITE
5 = CREAM 6 = LIGHT GREEN-YELLOW 7 = DARK GREEN-YELLOW

Scales: 1 = FEW (Crystal Wax) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = MANY (Sweet Spanish)

Scales: 1 = THICK (Australian Brown U.C. No. 1) 2 = MEDIUM (Red Creole) 3 = THIN (Crystal Wax)

Scale Retention: 1 = VERY GOOD (Australian Brn. U.S. No. 1) 2 = GOOD (Ebenezer)
3 = FAIR (Red Wethersfield) 4 = POOR (Crystal Wax)

Pungence: 1 = MILD (Early Grano) 2 = MEDIUM (Crystal Wax) 3 = STRONG (White Creole)

Storage: 1 = GOOD (Ebenezer) 2 = FAIR (Yellow Globe Danvers) 3 = POOR (Crystal Wax)

7. DISEASE RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

BLACK MOLD NECK ROT PURPLE BLOTCH SMUT
 MILDEW PINK ROOT SMUDGE YELLOW DWARF

8. INSECT RESISTANCE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

THRIP OTHER (Specify) _____

9. INDICATE A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leaf Height	YSS-Peckham	Flower Ball	Southport Red Globe
Leaf Color	YSS-Peckham	Bulb Color	Southport Red Globe
Leaf Bloom/Wax	YSS-Peckham	Bulb Size	YSS-Peckham
Flower Stalk	Southport Red Globe	Bulb Shape	YSS-Utah
Maturity at Same Location	Southport Red Globe		

REFERENCES

- Jones, H. A. and Mann, L. K. 1963 - Onions and Their Allies, Interscience Publishers, Inc., New York
- USDA Misc. Pub. No. 435, 1941 - Descriptions of Types of Principal American Varieties of Onions
- Hayward, H. E., 1938 - The Structure of Economic Plants, McMillan, New York (Reprint 1967)
- Ag Research, 7 (8):8 - Feb. 1959 - Branding Onion Outcasts
- Salem, I. A. 1966 - Inheritance of Onion Bulb Shape, Iowa St. University - PhD thesis

RSS-750

This new Red Sweet Spanish Onion has large globe shaped bulbs. The bulbs are larger than Southport Red Globe, Ruby and Bennies Red. The external and internal color are a darker red than Bennies Red but similar to the Southport Red Globe. The onion has been selected for single centers. The maturity is similar to Southport Red Globe, Ruby and early Spanish onions. It is moderately pungent whereas Southport Red Globe and Ruby are strongly pungent.

8000039

PLANT VARIETY PROTECTION ASSIGNMENT

THIS PLANT VARIETY PROTECTION ASSIGNMENT ("Assignment") is made and entered into as of this ____ day of _____, 1994, ("Effective Date"), by and between Sunseeds Ltd., L.P., a Delaware limited partnership, ("Assignor"), and Sunseeds Company (formerly Sunseeds Acquisition Corporation), a Delaware corporation, ("Assignee").

WHEREAS, pursuant to a certain Asset Purchase Agreement dated March 7, 1994, Assignor has agreed to sell to Assignee substantially all of Assignor's assets used in the Assignor's business, including the United States Plant Variety Protection Certificates set forth on Schedule A attached hereto (the "PVP Certificates") and the foreign plant variety registrations set forth on Schedule B attached hereto (the "Foreign Registrations").

WHEREAS, Assignor is the sole and exclusive owner of the entire right, title and interest in, to and under the PVP Certificates and Foreign Registrations; and

WHEREAS, Assignee wishes to acquire and Assignor wishes to assign all right, title and interest in and to the PVP Certificates and Foreign Registrations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, the entire right, title and interest in and to the PVP Certificates and Foreign Registrations, for the United States and for any foreign country, for its own use and enjoyment, and for

the use and enjoyment of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past, present or future infringement or other unauthorized use of the plants protected by the PVP Certificates and Foreign Registrations, with the right to sue for, and collect the same for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives.

Assignor authorizes and requests the Department of Agriculture to record Assignee as owner of the PVP Certificates and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor authorizes and requests the Ministero Per Il Coordinamento Delle Politiche Alimentare Gest. Prod. Agricole and any other organization, department or agency with jurisdiction over registration of plant varieties to record Assignee as owner of the Foreign Registrations and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor shall provide Assignee, its successors, assigns or other legal representatives, reasonable cooperation and assistance at Assignee's request (such as the execution and

delivery of any and all affidavits, declarations, oaths, exhibits, assignments, powers of attorney or other documentation as may be reasonably required) in the implementation or perfection of this Assignment.

* * * * *

IN TESTIMONY WHEREOF, the undersigned has caused this Assignment to be signed and executed this 31st day MARCH, 1994.

Sunseeds Ltd., L.P.

By: Gerald M. Prado

Name: Gerald M. Prado

Title: President/CEO

STATE OF Pennsylvania
COUNTY OF Allegheny) SS.

On this 31st day of March, 1994, there appeared before me Gerald M. Prado, personally known to me to be the same person whose name is subscribed to the foregoing Assignment and who acknowledged that he signed the foregoing Assignment as his voluntary act and deed for the use and purpose therein set forth.

Sandra K. Pack
Notary Public

Notarial Seal
Sandra K. Pack, Notary Public
Pittsburgh, Allegheny County
My Commission Expires July 26, 1997
Member, Pennsylvania Association of Notaries

Assignment

Schedule A

PLANT VARIETY PROTECTION CERTIFICATES

<u>Current Record Owner</u>	<u>PV#</u>	<u>Crop Kind</u>	<u>Name of Variety</u>	<u>Cert. Issue Date</u>	<u>Expiration Date</u>
A.L. Castle, Inc.	8100077	Tomato	Castlong ug	11/26/82	11/26/2000
	8100078	Tomato	Castlerock	11/26/82	11/26/2000
	8200139	Tomato	Castle Red	11/26/82	11/26/2000
ARCO Seed Co.	7900076	Onion	Colossal	10/18/79	10/18/96
	7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/96
	7900117	Onion	New Mexico Yellow Grano PRR	1/29/80	1/29/97
	8000039	Onion	Red Sunset	7/31/80	7/31/97
	8000040	Onion	Blanco Duro	7/31/80	7/31/97
	8000041	Onion	Brooks PRR	7/31/80	7/31/97
	8000159	Onion	Texspan PRR	6/11/81	6/11/99
	8000161	Onion	Early Grand PRR	7/30/81	7/30/99
	8100128	Onion	Glory	4/28/83	4/28/2001
	8100129	Onion	Paradise	4/28/83	4/28/2001
	8100130	Onion	Regal	4/28/83	4/28/2001
	8100166	Onion	Sweet Winter	11/26/82	11/26/2000
	8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
	8100001	Triticale	Jenkins	2/15/84	
	8200032	Triticale	Grace	11/15/81	
	8100150	Celery	Grande	1/13/83	
Sunseeds, Div. of Westseeds, Inc.	9100045	Tomato	Sun 6095	1/31/92	1/31/2010
Sunseeds Genetics, Inc.	7600052	Lettuce	Chaparral	5/16/77	5/16/94
	7600053	Lettuce	Costaverde	8/24/77	8/24/94
	7600054	Lettuce	Gustaverde	8/24/77	8/24/94
	7600055	Lettuce	Mesaverde	5/31/77	5/31/94
	7900067	Lettuce	Commander	7/26/79	7/26/96
	8500064	Tomato	Mystro	9/30/87	9/30/2005
	8700194	Tomato	Sun 1643	11/29/91	11/29/2009
	8900171	Cauliflower	White Diamond	4/18/89	
	8800057	Pepper	Prima Belle	9/30/88	9/30/2006
UF Genetics, Inc.	8300168	Okra	Cajun Queen	9/27/85	9/27/2003

8000039

O'MELVENY & MYERS

400 SOUTH HOPE STREET
LOS ANGELES, CALIFORNIA 90071-2899
TELEPHONE (213) 669-6000
FACSIMILE (213) 669-6407

EMBARCADERO CENTER WEST
275 BATTERY STREET
SAN FRANCISCO, CALIFORNIA 94111-3305
TELEPHONE (415) 984-8700
FACSIMILE (415) 984-8701

1999 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-6035
TELEPHONE (310) 553-6700
FACSIMILE (310) 246-6779

610 NEWPORT CENTER DRIVE
NEWPORT BEACH, CALIFORNIA 92660-6429
TELEPHONE (714) 760-9600
FACSIMILE (714) 669-6994

555 13TH STREET, N.W.
WASHINGTON, D. C. 20004-1109

TELEPHONE (202) 383-5300
TELEX 89622 FACSIMILE (202) 383-5414

March
16th
1995

CITICORP CENTER
153 EAST 53RD STREET
NEW YORK, NEW YORK 10022-4611
TELEPHONE (212) 326-2000
FACSIMILE (212) 326-2061

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OUR FILE NUMBER
410,894-14
DC1-211237.V1

WRITER'S DIRECT DIAL NUMBER

(202) 383-5350

VIA FEDERAL EXPRESS

Plant Variety Protection Office
U.S. Department of Agriculture
NAL Building, Room 500
10301 Baltimore Boulevard
Beltsville, Maryland 20705-2351

Attn: Ms. Ann K. Zempolich

Re: Assignment of Plant Variety Protection Certificates
Owned by Sunseeds Company to Internationale
Nederlanden (U.S.) Capital Corporation, as agent for
the Lenders party to the Amended and Restated Credit
Agreement Referred to Below

Dear Ladies and Gentlemen:

Enclosed please find an originally executed copy of each of (i) the Amended and Restated Security Agreement (the "Security Agreement") dated as of March 14, 1995 by and between Sunseeds Company, a Delaware corporation (formerly known as Sunseeds Acquisition Corporation) ("Sunseeds"), and Internationale Nederlanden (U.S.) Capital Corporation, a Delaware corporation ("ING"), as agent for the Lenders party to the Amended and Restated Credit Agreement referred to below (in such capacity, the "Agent") and (ii) the Amended and Restated Plant Variety Certificates Collateral Assignment (the "Assignment") dated as of March 14, 1995 by and among Lehman Commercial Paper Inc., a New York corporation ("Lehman"), ING, as Agent, and Sunseeds. The Security Agreement and Assignment are provided for recordation of the assignment to ING, as Agent, of the 26 plant variety protection certificates ("PVPCs") listed in Schedule I of the Assignment in accordance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

The PVPCs subject to the Assignment were assigned to Lehman, as agent for the lenders party to that certain Credit Agreement (the "Original Credit Agreement") dated as of March 31, 1994 by and among Sunseeds, Sunseed Corporation, a Delaware corporation (the Co-Borrower), Lehman, as agent, and the lenders

listed therein, pursuant to that certain Plant Variety Certificates Collateral Assignment (the "Original Assignment") dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for such lenders. The Original Credit Agreement was amended and restated pursuant to that certain Amended and Restated Credit Agreement dated as of March 14, 1995 by and among Sunseeds, the Co-Borrower, the Lenders, ING, as Agent, and Lehman, to provide for, among other things, the resignation of Lehman as agent and the appointment of ING as successor agent thereto. In connection therewith, the Security Agreement and the Assignment were entered into to amend and restate that certain Security Agreement dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for the lenders party to the Original Credit Agreement, and the Original Assignment and to reflect the appointment of ING as Agent.

From my telephone conversations with Ms. Ann K. Zempolich and Dr. Kenneth H. Evans of your office, it is my understanding that you will file a copy of this entire cover letter and a copy of Schedule I in the folder of each PVPC listed in Schedule I by placing the copies immediately behind each PVPC in order to notify anyone examining these PVPCs of ING's interest, as agent, in them and refer the examiner to the Security Agreement and Assignment filed in the Assignment Drawers of the Plant Variety Protection Office. Please take this action and any other steps necessary and appropriate to record the assignment in compliance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

To acknowledge your receipt of this letter, the Security Agreement and Assignment, please sign the enclosed copy of this letter on the designated signature line and return the signed copy to me in the enclosed prepaid Federal Express envelope. Thank you for your assistance.

Sincerely,



Ellen Waldorf
for O'MELVENY & MYERS

EW/pt
Enclosure

SCHEDULE I

PVPCs

COLLATERAL ASSIGNMENT - PLANT VARIETY PROTECTION CERTIFICATES

PV#	Crop Kind	Name of Variety	Certificate Issue Date	Expiration Date
8100077	Tomato	Castlong ug	11/26/82	11/26/2000
8100078	Tomato	Castlerock	11/26/82	11/26/2000
8200139	Tomato	Castle Red	11/26/82	11/26/2000
7900076	Onion	Colossal	10/18/79	10/18/1996
7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/1996
7900117	Onion	New Mexico Yellow Grano PRR	01/29/80	01/29/1997
8000039	Onion	Red Sunset	07/31/80	07/31/1997
8000040	Onion	Blanco Duro	07/31/80	07/31/1997
8000041	Onion	Brooks PRR	07/31/80	07/31/1997
8000159	Onion	Texspan PRR	06/11/81	06/11/1999
8000161	Onion	Early Grand PRR	07/30/81	07/30/1999
8100128	Onion	Glory	04/28/83	04/28/2001
8100129	Onion	Paradise	04/28/83	04/28/2001
8100130	Onion	Regal	04/28/83	04/28/2001
8100166	Onion	Sweet Winter	11/26/82	11/26/2000
8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
9100045	Tomato	Sun 6095	01/31/92	01/31/2010
7600052	Lettuce	Chaparral	05/16/77	05/16/1994
7600053	Lettuce	Costaverde	08/24/77	08/24/1994
7600054	Lettuce	Gustaverde	08/24/77	08/24/1994
7600055	Lettuce	Mesaverde	05/31/77	05/31/1994
7900067	Lettuce	Commander	07/26/79	07/26/1996
8500064	Tomato	Mystro	09/30/87	09/30/2005
8700194	Tomato	Sun 1643	11/29/91	11/29/2009
8800057	Pepper	Prima Belle	09/30/88	09/30/2006
8300168	Okra	Cajun Queen	09/27/85	09/27/2003

Each of the above-referenced Plant Variety Protection Certificates are owned by Sunseeds Company (formerly known as Sunseeds Acquisition Corporation), a Delaware corporation.